

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BOBBY GENE CLARK, JR.,

Defendant.

4:13-CR-3138

PRELIMINARY ORDER OF
FORFEITURE

This matter is before the Court on the plaintiff's Motion for Issuance of Preliminary Order of Forfeiture (filing 46). Count I of the indictment in this case (filing 1) charged the defendant with production of child pornography, in violation of 18 U.S.C. § 2251. The indictment also contained a forfeiture allegation seeking the forfeiture, pursuant to 18 U.S.C. § 2253, of the following properties, on the basis that they were used or were intended to be used to facilitate the violation alleged in Count I:

- a. One HP laptop computer, serial number 6CG2072RIQ, containing one Toshiba 320 GB hard drive, serial number 12L8C30QT.
- b. One HP laptop computer, serial number CNF94373WK, containing one Fujitsu 100 GB hard drive, serial number K94NT992KBGC.
- c. One 4 GB flash drive.

Filing 1.

The defendant has pleaded guilty to Count I of the indictment and admitted the forfeiture allegation. Filing 39; filing 41 at 19–22. By virtue of pleading guilty to the charge and admitting the forfeiture allegation, the defendant has forfeited his interest in the above properties, and the plaintiff should be entitled to possession of the properties pursuant to 21 U.S.C. § 853. Therefore, the plaintiff's motion for preliminary order of forfeiture is granted.

IT IS ORDERED:

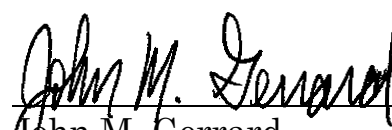
1. The plaintiff's Motion for Issuance of Preliminary Order of Forfeiture (filing 46) is granted.
2. Based upon the defendant's guilty plea and admission of the forfeiture allegation of the indictment, the plaintiff is authorized to seize the following properties:
 - a. One HP laptop computer, serial number 6CG2072RIQ, containing one Toshiba 320 GB hard drive, serial number 12L8C30QT.
 - b. One HP laptop computer, serial number CNF94373WK, containing one Fujitsu 100 GB hard drive, serial number K94NT992KBGC.
 - c. One 4 GB flash drive.
3. The defendant's interests in the above properties are forfeited to the plaintiff for disposition in accordance with law, subject to the provisions of 18 U.S.C. § 2253 (incorporating certain provisions of 21 U.S.C. § 853).
4. The properties are to be held by the plaintiff in its secure custody and control.
5. Pursuant to 21 U.S.C. § 853(n)(1), the plaintiff shall publish for at least 30 consecutive days on an official Internet government forfeiture site (www.forfeiture.gov) notice of this order, notice of publication evidencing the plaintiff's intent to dispose of the properties in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in the properties must file a petition with the Court within 30 days of the final publication of notice or of receipt of actual notice, whichever is earlier.
6. Such published notice shall state that the petition referred to in paragraph 5, above, shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the properties, shall be signed by the petitioner under penalty of perjury, and

shall set forth the nature and extent of the petitioner's right, title, or interest in the properties and any additional facts supporting the petitioner's claim and relief sought.

7. The plaintiff may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the properties as a substitute for published notice as to those persons so notified.
8. Upon adjudication of all third-party interests, this Court will enter a final order of forfeiture pursuant to [21 U.S.C. § 853\(n\)](#), in which all interests will be addressed.

Dated this 14th day of July, 2014.

BY THE COURT:

A handwritten signature in black ink, appearing to read "John M. Gerrard", is written over a horizontal line.

John M. Gerrard
United States District Judge